



# Foggy Bottom News

APRIL 1986

Published for and by the citizens of Foggy Bottom

Volume 30, No. 7

## ANC Urges Reforms in Liquor License System

by Jon Nowick

Anyone who has lived in our community knows that liquor licenses can have a profound impact on neighborhoods. On the positive side, the granting of such licenses to many bars, restaurants, and stores has helped make Foggy Bottom and West End one of the more convenient and stimulating parts of the city. We can walk out of our homes and find nearby a variety of places to eat, drink, and meet friends.

On the negative side, these establishments have sometimes created new problems or aggravated old ones. In parts of the neighborhood where they have been concentrated, they have generated noise, litter, parking problems, traffic congestion, and crowds of young suburbanites.

How to balance these effects — and protect the interests of both businesses and citizens — has long been a problem with which our neighborhood and city have grappled.

Recently, the issue has moved into high gear. The City Council in late March announced a series of public hearings for April to reassess the whole system of issuing and controlling liquor licenses. The review would affect restaurants, bars, liquor stores and grocery stores selling wine and beer. It could transform the face of large parts of the city.

### City Council Holding Hearings

The City Council called the hearings because of dissatisfaction from many sides with the current system. Bar owners have been upset with a provision of the current codes — one that has rarely been enforced — that requires them to derive at least half of their receipts from meals, not alcohol.

Citizens groups in Georgetown, Mount Pleasant, and elsewhere have appealed for relief from a proliferation of bars or convenience stores selling alcohol. Even members of the District's Alcoholic Beverage Control (ABC) Board themselves have voiced dissatisfaction with some of the regulations they are required to interpret and apply.

The Foggy Bottom and West End Advisory Neighborhood Commission (ANC 2A) has long been concerned with liquor license policy,

Part II of the Historic District article will appear in the May issue.

## Meeting Foggy Bottom Association

General Business Meeting

8:00 P.M.

APRIL 28, 1986

St. Paul's Parish House  
2430 K Street, N.W.

as have the FBA and other neighborhood groups. An elected body of the DC Government, the ANC has the right to be consulted on all pending cases that go to the ABC Board. The ABC Board in turn must by law give ANC opinions "great weight."

In past years numerous individual cases have come before the ANC. Many have provoked sharp, sometimes divided reactions from the community. This has reflected the complexities of the cases and the healthy diversity of opinion that has always existed in our community, on a variety of issues.

### Community Committee Studies Criteria

The ANC last fall decided to get a firmer handle on liquor license policy. On the recommendation of Chairman Geoffrey Stamm, it set up an ad hoc committee to study criteria for granting liquor licenses. It asked me to chair the committee.

A group of ten community leaders serve on the committee. They include three ANC com-

missioners (Lou Rigdon, Ralph Rosenbuam, and Sue Schumacher), a designated representative of the FBA Board (Bob Charles), the head of the West End Citizens Association (Jimmy Molinelli), and five other distinguished citizens, most of them have long involvement in the FBA and the community (Mary Healy, Nancy Kiefer, Anne Lomas, Dorothy Ohlinger, and Karen Schwaller).

These citizens represent a diverse mix, both in point of view and geographically within the ANC area. Some have legal expertise, others have had personal encounters with the ABC Board, and most have a good feel for the pulse of both City Hall and the neighborhood. All want to work for common neighborhood interests. The committee has met several times in recent months, in one instance with a member of the ABC Board.

On the instructions of Chairman Stamm, the committee on short notice drew up a position for the ANC to take at the City Council hearings in April. That

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## COUNCILMAN WILSON SPEAKS TO FBA

Councilman John Wilson addressed a large and receptive audience at the March 31 meeting of the FBA. As Foggy Bottom-West End residents have come to expect, the Councilman gave his frank and concise views on a wide range of local issues.

On the question of a new prison, Wilson said he is in favor of building one. He suggested it be built in either Ward 7 or 8, since 80% of the prisoners come from those two wards. Wherever it is located, however, it should not be in Ward 2; our ward already has more halfway houses than any other ward, he stated.

Wilson lamented the absence of priorities in how large sums appropriated to the School Board are spent. Indeed, the whole budgetary process leaves much to be desired: the Council only changed a total of \$2 million in the Mayor's proposed budget, according to Wilson. On other budgetary specifics, the Councilman said that:

- Aid to Families with Dependent Children should be increased; and
- a contingency set-aside of \$28.9 million has already been made in the budget to take care of Gramm/Rudman/Hollings reductions in the District's budget.

On other points, Wilson noted that the property assessment program was flawed and encouraged property-owners to appeal their assessments if they felt they were unreasonable. Referring to the recent action by the Council to authorize the issuance of bonds for the George Washington University, Wilson stated that there was no reason to hold up their issuance. Asked about the D.C. lottery, Wilson said he favored a regional lottery whose proceeds would go to the support of Metro.

Finally, commenting on his recent sojourn at Harvard, the Councilman characterized it as a refreshing break from his regular duties, one which provided him with a new chance to think through some of the problems which face the nation's cities.

### D.C. Public Library Closed May 2

All D.C. Public Library facilities and services will be closed on Friday, May 2 for the agency's annual staff meeting. Books and materials due on Friday should be returned in the outside book drops. Regular library hours will resume on Saturday, May 3. For additional information, call 727-1186.



## Liquor License. . .

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position, adopted unanimously by the ANC at its last meeting on April 8, is printed below. The position reflects the mainstream view of the committee. It is also broadly in line with the views of several other ANCs involved in the case.

The City Council hearings, which have begun as committee hearings, will probably last many months. Interest groups from various sides will take part. The ANC and other groups in the neighborhood will probably have further opportunities to express their views and elaborate on them.

The ANC committee on liquor license policy has always welcomed constructive sugges-

tions and it continues to solicit comments from citizens and businesses in the neighborhood. Please send any comments to me, care of the ANC 2A Office, 1920 G Street, NW, Washington DC 20006. I will try to keep the FBN posted of any further developments.

### ANC 2A Position on the Liquor License Policy Hearings of the DC Council

#### Summary and Conclusions

The Foggy Bottom and West End ANC (2A) believes the current system regulating the issuance of ABC licenses is inadequate to protect the interests of DC citizens. The ANC supports the efforts of

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Councilmember Ray's committee [consumer and regulatory affairs] to reassess and improve this system, providing the main intent of the committee hearings — and of any reforms proposed — is to better safeguard the citizens' interests.

The ANC welcomes the fact that the committee has put forth for discussion basic questions on liquor license policy such as those listed in the Notice of Public Hearings. Our preliminary views on these questions are stated below. We reserve the right to comment on them further, as well as to put forth specific new proposals. In the meantime, we urge the Council to consider several practical steps — with or without a change in the ABC regulations — to improve the current system.

#### The Impact of ABC Licenses

We believe that the impact of issuing ABC licenses on the

District of Columbia has been mixed, and that any new system should take this into account.

On the positive side, ABC licenses have contributed to needed DC tax revenues; provided a convenient service to many DC citizens; encouraged the creation of restaurants that are often attractive and that help revitalize neighborhoods, increase property values, and make city life pleasant and stimulating; and to some extent deterred crime by encouraging street life in areas that previously were largely deserted after work hours.

On the negative side, the issuance of ABC licenses in many communities has been excessive and inappropriate. It has reduced the quality of life and threatens to erode the residential tax base. Some of the intrusions on DC citizens evident in neighborhoods where large numbers of Class C (restaurant) licenses have been is-

April 1986

sued are: noise, litter, traffic congestion, air pollution, crowds of loitering pedestrians, vandalism, and street crime. In neighborhoods where many Class A (liquor store) and Class B (grocery store/carryout) licenses have been issued, there has similarly been an intolerable increase in litter, noise, crime, and other disruptions.

Many of the above traits — both positive and negative — have been felt in Foggy Bottom and West End. We are particularly concerned about the impact of issuances of Class B and C licenses in residential areas of ANC 2A and along the corridor between the Foggy Bottom Metro (23rd and I Streets NW) and Georgetown. This latter area already threatens to turn into an eastern extension of the Georgetown M Street restaurant/bar strip, with all its negative repercussions for the community. We are also concerned about a

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## Liquor License. . .

(continued from page 2)

potential proliferation of Class C licenses in the West End, especially with the opening there of several big new hotels.

### Proposals

We put forth the following proposals on ABC license policy for consideration by Councilmember Ray's committee. Some directly concern the ABC regulations, while others touch on related issues within the DC Council's purview:

1. Councilmember Ray's committee and the DC Council should proceed with a serious reevaluation of the system regulating ABC licenses, including most of the questions that it raised in its Notice of Public Hearings. While the committee should take into account the legitimate interests of businesses, it should make clear from the start that it is concern-

ed with the inability of the current system to assure citizens adequate protections and that its main purpose is to devise new safeguards for the public. Our initial reaction to the questions put forth [by Ray's committee] in the Notice of Public Hearings is as follows:

a. We believe Class C licenses should continue to be required to obtain their chief source of revenue from the sale of food, although we would favor a somewhat broader definition of food to include salads, light meals, and other commonly ordered food items.

b. In the absence of other, new safeguards for communities saturated with Class B and C licenses that are more stringent than the current regulations, we would support a numerical cap on the number of Class B and C licenses in specific geographic locations of the District. Under such cir-

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cumstances, we believe a cap should be considered for some areas within ANC 2A's jurisdiction.

c. We believe the transfer of Class A licenses from one area of the District to another should be prohibited in most or all cases.

d. We generally oppose the creation of a new license category, even with a cap, for nightclubs and taverns. We would be especially concerned about allowing such establishments near residential areas.

We reserve the right to comment further on questions or proposals put forth by the committee, as well as to introduce our own recommendations, as the hearings progress.

2. The DC Council should consider raising the drinking age to 21 for all alcoholic beverages. While many people in the 18-20 age bracket drink responsibly, many others are a

source of problems identified with the issuance of ABC licenses. The influx of suburban teenagers into some parts of the District — including parts of Foggy Bottom and West End — in the evenings has become a particular problem.

3. The DC Council should consider requiring a deposit on all bottles and cans sold within the District. These containers for alcoholic beverages have been a serious and growing source of litter. A mandatory deposit has helped cut back such trash in other jurisdictions where it has been applied.

4. The Council should take steps to ensure better enforcement of a number of existing laws and regulations related to ABC license policy. These include:

a. More stringent ticketing of illegally parked cars in the

evenings and weekends, not just during work hours, in and around areas saturated with ABC license-holders. The current program of the Department of Public Works more than pays for itself, adding needed revenues to DC coffers, and has had the strong support of this and other ANCs.

b. More frequent police checks of motorists, especially on weekend evenings, to ensure sober driving. We believe such checks have a deterrent effect, promoting good public conduct and reducing traffic accidents and fatalities.

c. Tougher steps to ensure that property-owners in and around areas with many ABC license holders — especially commercial establishments and properties owned by absentee

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(continued from page 3)

landlords — clean up trash on their premises. Much of the trash comes from people frequenting establishments with ABC licenses. It is often very difficult for ANC's and citizens to get the DC authorities to enforce the relevant laws and regulations.

d. Priority treatment by DC environmental service personnel for areas saturated with ABC license-holders, such as more frequently dispatching cleanup teams to those areas, including parts of ANC 2A. The current system does not seem to distinguish adequately between these and other areas of the District.

5. The Council should take a close look at the administration providing support to the ABC Board to find ways to improve its organization, efficiency, and responsiveness. ABC Board staffers usually have been courteous and correct in their dealings with representatives of this ANC. However, they have been unable to locate and furnish basic information needed by the ANC — and presumably by the ABC Board itself — on liquor license-related issues. Some of the basic information the staff has been unable to provide includes:

a. A listing of all establishments within the ANC 2A jurisdiction currently holding valid ABC licenses for all classes; and,

b. Data, such as that furnished by the ABC Board to the press in past years, on the number of cases heard by the ABC Board in FY '85, the number of license applications contested by ANC's, and the number of those cases resolved in favor of the ANC.

We would appreciate the help of Councilmember Ray's committee to secure this information as soon as possible.

6. The Council should assess whether the ABC Board in recent years has really given the opinions of ANC's "great weight," as is required by DC law. Our impression, based on a variety of sources, is that the Board has tended to give greater weight to the opinions of commercial applicants than to ANC's. If the Council concurs with this assessment, it should find ways to ensure that the statutory rights of ANC's, as fellow bodies of the DC Government, are protected.

7. The Council should arrange for the ABC Board to publish and disseminate a brochure advising citizens in clear, simple terms how to conduct a case before the Board. At present, citizens — and even ANC's — are often baffled by the Board's regulations and procedures. This puts them at an even bigger disadvantage when contesting cases against experienced lawyers hired by businesses.

## HIGHLIGHTS OF ANC-2A MONTHLY MEETING March 11, 1986

**7-11 store:** Carolyn James is the new owner of the store at 24th and New Hampshire. She introduced herself at the meeting, and assured the Commission that she would be responsive to any complaints. She realizes that trash and traffic generated by customers and deliveries to the store are main concerns, and she is working to improve both situations.

**Tour buses on 25th Street:** Buses are a continuing problem, although they are illegal under the bus ban regulations. Police enforcement of the regulations continues to be unsatisfactory. Commissioner Stamm reported that he is investigating how the ANC might challenge the licenses of tour bus operators who violate the bus ban.

**Proposed pedestrian bridge over I-66 between the Kennedy Center and Columbia Plaza:** The Department of Public Works is studying a bridge to eliminate jaywalking across I-66, and estimates the cost at \$850,000 for an alignment along F Street. A public hearing will be held in the neighborhood in a few months to hear the various design alter-

natives. As currently proposed, the ANC believes the bridge is unlikely to solve the problem identified and that the cost is simply unjustified, and Commissioner Levy moved (seconded by Commissioner Rosenbaum) that the ANC formally object immediately.

**Foggy Bottom Historic District:** Commissioner Levy reported that the Historic Preservation Review Board still has not issued a decision on the proposed historic district; however, the new head of the D.C. Office of Historic Preservation has promised to try to expedite a decision.

### Soggy Bottom Babies Picnic

Soggy Bottom Babies will hold its Fifth Annual Spring Picnic on Saturday, May 17, noon-2:00 p.m., at the 26th Street playground. All FB families with children are invited; you bring a picnic lunch; sangria will be provided. Call Maryanna, 338-7449 for details.

## Odds and Ends

Nice news to report: the arrival of **Peter Larkin Stamm**, who is now residing with his parents Florence and Jeff Stamm. Peter made his appearance at Columbia Hospital for Women on April 2 at 3:01 p.m. Welcome, Peter.

Lots of us are still talking about the great Clean Can invasion some weeks ago. Opinions are divided between those who liked getting "something for nothing" to put their trash in, and those who think delivering trashcans to an affluent area is an unwarranted waste of tax money. Still others chuckle at their unannounced arrival on a windy day so that tops and bottoms of trashcans were often not in the same place. The biggest question in some minds, however, is why Foggy Bottom's trashcans bore an informational sticker signed by our illustrious mayor, but those being delivered in Georgetown (another needy area!) had covers bare of Mr. Barry's name. **Ellie Becker**

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